

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MARCIANO, individually, and on behalf
of all other individuals similarly situated,

Plaintiff\Petitioners,

v.

BILL DE BLASIO, MAYOR OF THE CITY OF NEW
YORK, in his official capacity; DAVE A. CHOCKSHI,
COMMISSIONER OF HEALTH AND MENTAL
HYGIENE, in his official capacity; DERMOT SHEA,
POLICE COMMISSIONER, in his official capacity;
THE NEW YORK CITY BOARD OF HEALTH; and
THE CITY OF NEW YORK,

Defendants\Respondents.
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1:21-cv-10752 (JSR) (BCM)

**NOTICE OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND EXTENSION OF
TIME**

PLEASE TAKE NOTICE that, upon the accompanying Declaration Plaintiff Anthony Marciano (“Plaintiff”), the Declaration of Counsel for Plaintiff, Patricia Finn, Esq., and the exhibits annexed thereto, and upon all the papers and proceedings previously had herein, Plaintiff will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Jed S. Rakoff, United States District Court Judge, on February 9, 2022, as soon as Counsel can be heard requesting a virtual or telephonic appearance, for a Temporary Restraining Order and a Preliminary Injunction pursuant to Rule 65 (a) and (b) of the Federal Rules of Civil Procedure, restraining and enjoining Defendants from placing Plaintiff on Leave Without Pay, terminating Plaintiff’s employment with the City of New York, or taking any other adverse action against Plaintiff, under the “ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO REQUIRE COVID-19 VACCINATION FOR CITY EMPLOYEES AND CERTAIN CITY CONTRACTORS”, dated October 20, 2021, or

the SUPPLEMENTAL ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO REQUIRE COVID-19 VACCINATION FOR CITY EMPLOYEES AND EMPLOYEES OF CERTAIN CITY CONTRACTORS” dated October 31, 2021, or any rules or procedures implementing the Vaccination Order; and for an Order pursuant to Rule 6 (1) (a), extending Plaintiff’s time to file a Response to Defendant’s Motion to Dismiss Plaintiff’s Complaint, presently due on February 9, 2022, until February 23, 2022, or such other date as the Court directs, and for such other relief as this Court deems just and proper.

DATED: Nanuet, New York
February 8, 2022

PATRICIA FINN ATTORNEY, P.C.
Attorneys for Petitioner
/s/Patricia Finn, Esq.

Patricia Finn, Esq. (Bar No. 4109997)

